

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DEBORAH ZABRAMSKI,

Plaintiff,

No. 19-11669

v.

District Judge Linda V. Parker  
Magistrate Judge R. Steven Whalen

C.I. FINLAN & SON, INC.,

Defendant.

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**ORDER**

Before the Court is Plaintiff's Second Motion to Compel Discovery and for Sanctions [ECF No. 28]. Although the time for doing so has passed, Defendant has not filed a response, so the motion is unopposed. The motion will be GRANTED as to the discovery requests, but DENIED as to sanctions.

As reflected in his motion and the attached exhibits, Plaintiff's counsel has diligently sought communication with Defendant's counsel regarding outstanding discovery requests and depositions, but Defendant's counsel has been largely unresponsive. Plaintiff's Second Request for Production of Documents, Second Set of Interrogatories, Third Set of Interrogatories, and Interrogatories Regarding Witnesses were all served on Defendant more than 30 days ago, but Defendant has not responded. Therefore, any objections, other than objections based on privilege, are waived. *See* Rules 33 and 34 of the Federal Rules of Civil Procedure.

In addition, Plaintiff has been unsuccessful in scheduling the depositions of Sally Findlay, Peg Garan, Chrissi Bierly, and the receptionist that sent the April 19 email to Ms. Kohn Sidwell.

Discovery ends on August 19, 2020. Notwithstanding the challenges of practicing law (and adjudicating cases) during the COVID crisis, this case needs to move forward, and attorneys need to take extra care to cooperate with each other in routine discovery matters such as this. The depositions will probably have to be held by video, much as the Court holds motion hearings and other proceedings by video.

Therefore, Plaintiff's motion [ECF No. 28] is GRANTED to the extent that within 30 days of the date of this Order, Defendant will serve responses to Plaintiff's Second Request for Production of Documents, Second Set of Interrogatories, Third Set of Interrogatories, and Interrogatories Regarding Witnesses. In addition, the depositions of Sally Findlay, Peg Garan, Chrissi Bierly, and the receptionist that sent the April 19 email to Ms. Kohn Sidwell will be scheduled for no later than 45 days from the date of this Order.

Plaintiff's request for sanctions under Fed.R.Civ.P. 37 is DENIED. However, Defendant's failure to comply with this Order, or with any future discovery order, will result in sanctions, including monetary sanctions.

IT IS SO ORDERED.

s/R. Steven Whalen  
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R. STEVEN WHALEN  
United States Magistrate Judge

Dated: June 19, 2020

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on June 19, 2020 electronically and/or by U.S. mail.

s/Carolyn M. Ciesla  
Case Manager